

Public Records Privacy Protection Policy

Adopted by the Information Services Board (ISB) on June 12, 2001.

Effective: June 12, 2001

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Purpose

The purpose of this policy is to protect personal information that is collected by state agencies within the bounds of the public disclosure and open government laws. These protections are meant to ensure that only necessary personal information is collected; that personal information collected is used appropriately; that only authorized people have access to the personal information; and that the personal information is accurate and complete.

Statutory Authority

The provisions of RCW 43.105.041 detail the powers and duties of the ISB, including the authority to develop statewide or interagency information services and technical policies, standards, and procedures.

Scope

This policy applies to all executive and judicial branch agencies and educational institutions, as provided by law, that operate, manage, or use IT services or equipment to support critical state business functions.

Exemptions

None.

Policy

State agencies shall establish procedures and practices for the handling and disposal of public records and copies of public records. These procedures and practices should provide reasonable assurances that the ones that contain personal information are properly safeguarded.

To the extent practicable, state agencies shall not use Social Security numbers or other personal or financial identifying numbers on documents that may be subject to public disclosure. State agencies shall also take steps designed to reasonably ensure that appropriate staff are aware of the new confidentiality requirements under RCW 42.17.310(ss) and (tt) for credit and debit card numbers, electronic check numbers, card expiration dates, and other financial account numbers connected with the electronic transfers of funds.

Except as otherwise provided by law, state agencies may not sell the personal information that they collect from the public or obtain from other public or private entities.

State agencies shall limit the collection of personal information to only what is reasonably necessary for purposes of program implementation, authentication of identity, security, and other legally appropriate agency operations. Agencies shall examine their record retention schedules and retain personal information only as long as needed to carry out the purpose for which it was originally collected, or the minimum period required by law.

State agencies that enter into contracts or data sharing agreements with private entities and other governments that involve the use of personal information collected by the agencies shall provide in those contracts that the personal information may be used solely for the purposes of the contract and shall not be shared with, transferred to, or sold to, unauthorized third parties. A state agency that receives personal information from another state agency must protect it in the same manner as the agency that collected the information. Each state agency shall establish reasonable procedures to review, monitor, audit, or investigate the use of personal information by contractors. These procedures may include, when appropriate, the "salting" of databases to detect unauthorized use, sale, sharing, or transfer of data. Contractual provisions related to breach of the privacy protection shall include, as appropriate, return of all personal information, termination, indemnification of the state, provisions to hold the state harmless, monetary or other sanctions, disbarment, or other appropriate ways to maximize protection of personal information.

RCW 42.17.260 prohibits public agencies from giving, selling, or allowing the inspection of lists of individuals, unless specifically authorized or directed by law, if the requester intends to use the personal information for commercial purposes. In AGO 1998 No. 2, the Attorney General interpreted "commercial purposes" broadly and did not limit those purposes only to situations in which individuals are contacted for commercial solicitation. For that reason, unless specifically authorized or directed by law, state agencies shall not release lists of individuals if it is known that the requester plans to use the lists for any commercial purpose, which includes any business activity that anticipates making a profit.

The Department of Information Services, in consultation with other state agencies and stakeholders, has developed a model privacy notice for use by state agencies that operate Web sites. This model can be found at <http://www.dis.wa.gov/procurement/word/FinalPrivacyModel.doc>. Within 60 days after the adoption of this policy, each state agency that operates a Web site shall adopt this model privacy notice, modified only as necessary to address practical and legal considerations specific to that agency. A link to the privacy notice should be prominently placed on each agency's home page, as well as on any other page where personal information is collected.

State agencies that collect personal information shall, to the extent practicable, provide notice at the point of collection that the law may require disclosure of the information as a public record. Upon request, state agencies shall provide a written statement generally identifying (a) the known circumstances under which personal information in public records may be disclosed, and (b) how individuals may review their personal information and recommend corrections to information that they believe to be inaccurate or incomplete. This notice and statement may be included in the agency's privacy notice, described above.

Citizen complaints, questions, or recommendations regarding the collection and use of personal information by state agencies shall be submitted to the agency that is the collector or custodian of that information. Each agency shall designate a person to respond to complaints, questions, or recommendations, and to provide information to the public regarding the collection and use of personal information and the agency's privacy policies.

Nothing in this Policy shall be construed to prohibit or otherwise impair a lawful investigative or protective activity undertaken by or on behalf of the state. This order does not create any right or benefit, substantive or procedural, at law or in equity, that may be asserted against the state, its officers or employees, or any other person. It prohibits the release of public records only to the extent allowable under law. State agencies shall, in all cases, comply with applicable law. This Policy is intended only to improve the internal management of the agencies under ISB oversight and to enhance compliance with the law.

Related Policies, Standards, and Guidelines

[Executive Order 00-03 Public Records Privacy Protections](#)

Maintenance

Technological advances and changes in the business requirements of agencies will necessitate periodic revisions to policies, standards, and guidelines. The Department of Information Services is responsible for routine maintenance of these to keep them current. Major policy changes will require the approval of the ISB.

Definitions

“Personal Information” means information collected by a state agency about a natural person that is readily identifiable to that specific individual.